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U.S. DISTRICT COURT
LODGED

2017 FEB 24 P 12:38

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

**RUSSELL G. GREER and TRICIA
CHRISTIE,**

Plaintiffs

v.

GARY R. HERBERT, in his official capacity as Governor of the State of Utah; **SEAN D. REYES**, in his official capacity as Attorney General of the State of Utah; **SIM S. GILL**, in his official capacity as District Attorney of the City and County of Salt Lake; **JACKIE BISKUPSKI**, in her official capacity as Mayor of the City of Salt Lake; **BEN McADAMS**, in his official capacity as Mayor of the County of Salt Lake; **KATHY BERG**, in her official capacity as Director of the Division of Commerce; **JAMES ALLRED**, in his official capacity as Business Licensing Manager for the City of Salt Lake; **ROLEN YOSHINAGA**, in his official capacity as Director of Planning and Development for the County of Salt Lake,

Defendants

**PLAINTIFF'S RESPONSE AND
MEMORANDUM IN OPPOSITION TO
COUNTY DEFENDANTS' REPLY
MEMORANDUM.**

**AMENDED COMPLAINT INCLUDED
WITH EXHIBITS**

AND REQUEST FOR HEARING

Case No.: 2:16-cv-01067-DBP

Magistrate Judge Dustin B. Pead

Pursuant to *Utah Rules of Civil Procedure 7*, Plaintiff Greer files this Response to County Defendants' Reply Memorandum. Plaintiff also includes an Amended Complaint. While it is true

that Plaintiff did not write an opposition memorandum to the County's motion to dismiss, nor did he write a reply to the City defendants, Plaintiff did not for a reason and that is because his main quarrel is with the State defendants. He, as previously stated in his Opposition Memorandum, has suffered the most harm by the laws of Defendant Governor Herbert and by Defendant Berg who derailed Greer's legalization efforts. Importantly to mention, Greer named the eight defendants as a "trap net", so to speak. Plaintiff figured that if he could list all of the defendants and prevail against them, then he would have no opposition to his efforts. But after further pondering, Plaintiff remembers that the City nor County cannot pass laws that contradict State laws. Therefore, Plaintiff has focused all efforts on finding Berg, Herbert and Reyes in violation of Greer's constitutional rights and that the State laws have no rational basis. Once the State defendants are found to be in violation of the laws, the County and the City cannot act against him because their actions would violate a federal judge's ruling against State officials.

Plaintiff still believes that County Defendant Gill poses a threat to Greer and that Greer faces a real threat of prosecution or that Greer may be subpoenaed by Gill to testify against prostitutes in Utah. But Greer's main complaint is against the State defendants as they have caused him the most harm.

Additionally, Greer files an amended complaint which is to add onto his opposition motion and original complaint. This amended complaint gives more insight into whom Greer is as a person.

AMENDED COMPLAINT

Governor Herbert, by color of authority and by and through the laws that he presides over, has literally ran Greer out of the state by rail. Literally. Greer boards an Amtrak train and must flee the state to somewhere where he can be deemed legal. The Amtrak only leaves at night

and is hard for Greer because he has horrible night vision, the travel is rough, some of the passengers are unruly, and most of all: his freedom as an adult to have sex, guaranteed by *Lawrence v. Texas*, is diminished because many people his age (Greer is only 25 years old) are freely having one night stands. Greer feels like an outcast. He feels less than human. Berg caused harm by denying Greer the ability to keep the business license he obtained to take to the legislature to try amending the laws. Reyes has caused harm by enforcing these laws which prove a risk and threat to Greer if Greer was to ever open an illegal brothel in Utah.

Greer has sex to feel like a human and to feel cared about. It isn't just sex: he also pays for kissing, cuddling, massages, conversation: everything that a non-commercial couple can freely enjoy. Because Greer is disabled, though, he has never had this luxury of a relationship without paying for it. Greer isn't a slob either. He works out at Planet Fitness three times a week; he works in a law firm; he is friendly and sociable. But because of his disability, he is a "stranger in a strange land." Greer, just this month of February, was rejected again by his birth family and his twin sister (he was adopted). He is an emotional wreck. He is also reeling from damages he suffered from superstar Taylor Swift and her agents which brought Greer into international news. This has taken a toll on him. Furthermore, internet "trolls" have been trying to destroy Greer's life for challenging these laws. The trolls have been harassing his law firm and Greer's job is now in jeopardy. To make matters worse, Greer and Bunny Ranch brothel owner Dennis Hof had a falling out and Greer was banned from patronizing Hof's brothels because Hof could not handle Greer's anxiety. Dennis Hof has been known for his short temper. Now, Greer has no brothel he can get to. Greer has gone a year without sex. He is tempted to solicit in Salt Lake City, but is afraid of the consequences that would happen if he were arrested. Greer is stared at wherever he goes. He often feels like a circus freak because he lives with a rare disability which

cannot be fixed. Soderberg is aware of the discrimination Greer faces, as Greer interned with him.

The brothel bans of Utah are just as damning and controlling as the gay marriage bans were for the LGBT; as the abortion bans were to women. Those bans were deemed to control the privacy and freedoms of special classes. So it is with the disabled: the brothel bans are like the sodomy laws that *Lawrence v. Texas* overturned: they control the freedoms of the disabled and the privacy of women. Plaintiff Christie has not written anything because she is afraid that the State will prosecute her, as she has an extensive client list. Also, Greer lost contact with her. But since Greer is challenging the brothel laws and is trying to open a brothel, he is able to speak for the prostitutes because brothels protect both client and prostitute. Greer decided not to file under “John Doe” when he took on this challenge because he wanted the public to see what a customer of prostitutes looks like – he wanted to break misconceptions. While the State can scoff at Greer, the State defendants and their lawyers all have one thing Greer does not: they can smile and close their lips. More than anything in this entire world, Greer wishes he could have the ability to control his facial muscles. He believes his life would be so much better if he wasn’t disabled.

Not only has his disability robbed him of a sex life and of a dating life, his dreams of getting into the entertainment industry are mucky because he can’t clearly sing or clearly speak when he acts. He auditioned for America’s Got Talent and was denied on the show because of his disability. Greer writes songs and screenplays. He had a surgery when he was ten at the Primary Children’s Hospital to fix it. The doctors tried a nerve transplant and it only left Greer with more scars. Greer is often called “hideous” and “ugly”. Sometimes, he is mistaken for being mentally handicapped all because he can’t close his mouth which demeans Greer’s intelligence. Words do hurt. Words hurt enough to where Greer has considered ending his life on several

occasions. Greer has found that inspiring affirmations can only do so much – but a touch of intimacy and the feeling of sex can save a life. The State has never walked a day in Greer's shoes and therefore cannot reasonably say that he is not entitled to the rights he is seeking. In fact, the arguments of the State, County and City are all disparaging towards Greer. The State might as well bring back forced sterilizations for the disabled because that is what the brothel laws basically do: they halt Greer and control Greer from using his sexual organs. Greer is forced to stay at home on Valentine's Day because he doesn't have a partner while Greer's very few friends tell Greer about the sex they had with random people they met – a privilege they have for being able to close their mouths.

In the attached exhibits, Greer has attached several pictures of prostitutes he has solicited to try to find what crime is being committed; where is the victim of trafficking or underage that the State claims happens in every instance of prostitution? Where is the violence? A crime consists of a guilty mind and guilty actions. What guilt does Greer have in these pictures? The guilt that women accept Greer for a few hours? Greer's friends have sex with random strangers for a few hours. The only difference is Greer pays his partners. Besides that, the same sex and consent occurs. The State has again failed to show the difference between non-commercial and commercial sex. Rapes and trafficking happen in non-commercial sex. Rapes happen in marriage. Why doesn't the State ban marriage then based on their logic? Violence happens with escorting, but the State won't ban that. Violence and trafficking happens in strip clubs yet the State won't ban that. The State's attempts at scare tactics have backfired on the State, as they only are contradicting themselves now. Given that there is an STD risk, Greer seeks to legalize it so that STDs can be regulated. In fact, with the State's laws, they are unable to keep track of which prostitutes have AIDS or other diseases. Their laws cause chaos. Furthermore, their laws

fail to prevent violence and rapes. Additionally, several of the state's licensed escort companies and strip clubs have engaged in prostitution and they still operate. Truly, the State's hypocritical laws are not only that, but they are also very dangerous.

Greer again begs for the Court to allow the scheduling order to proceed as outlined because Plaintiff has shown ample evidence and facts that the defendants have caused him harm. As Justice Kennedy said in the closing in *Lawrence*:

"...Times can blind us to certain truths, and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom." Greer seeks these freedoms under the constitutional principles that he is arguing under – the same that so many have argued before and have been granted. The time is ready for brothels to be made legal to protect consenting adults and to protect the communities and the state.

/rgreer/

2/23/17



EXHIBIT A

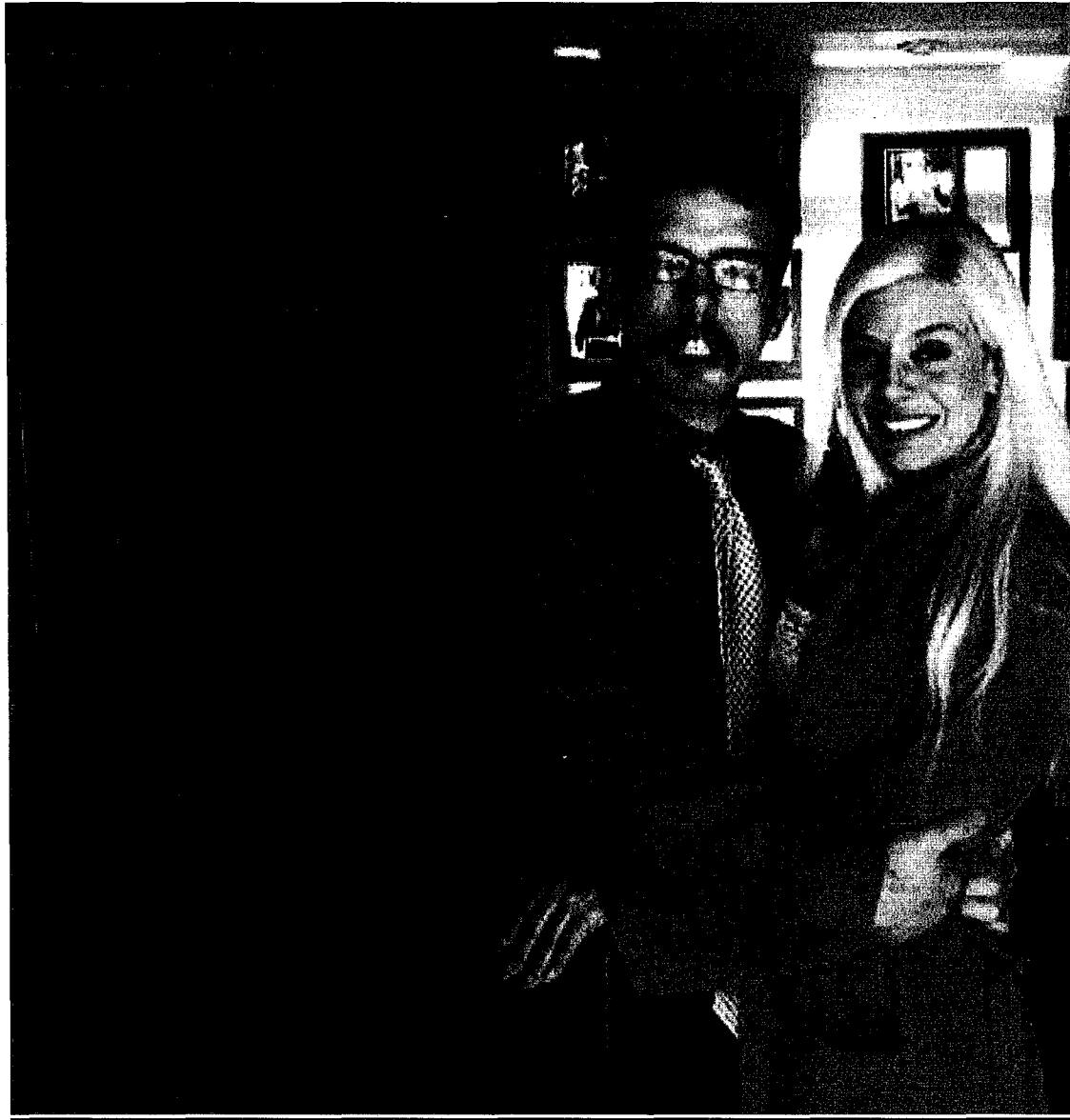


EXHIBIT B

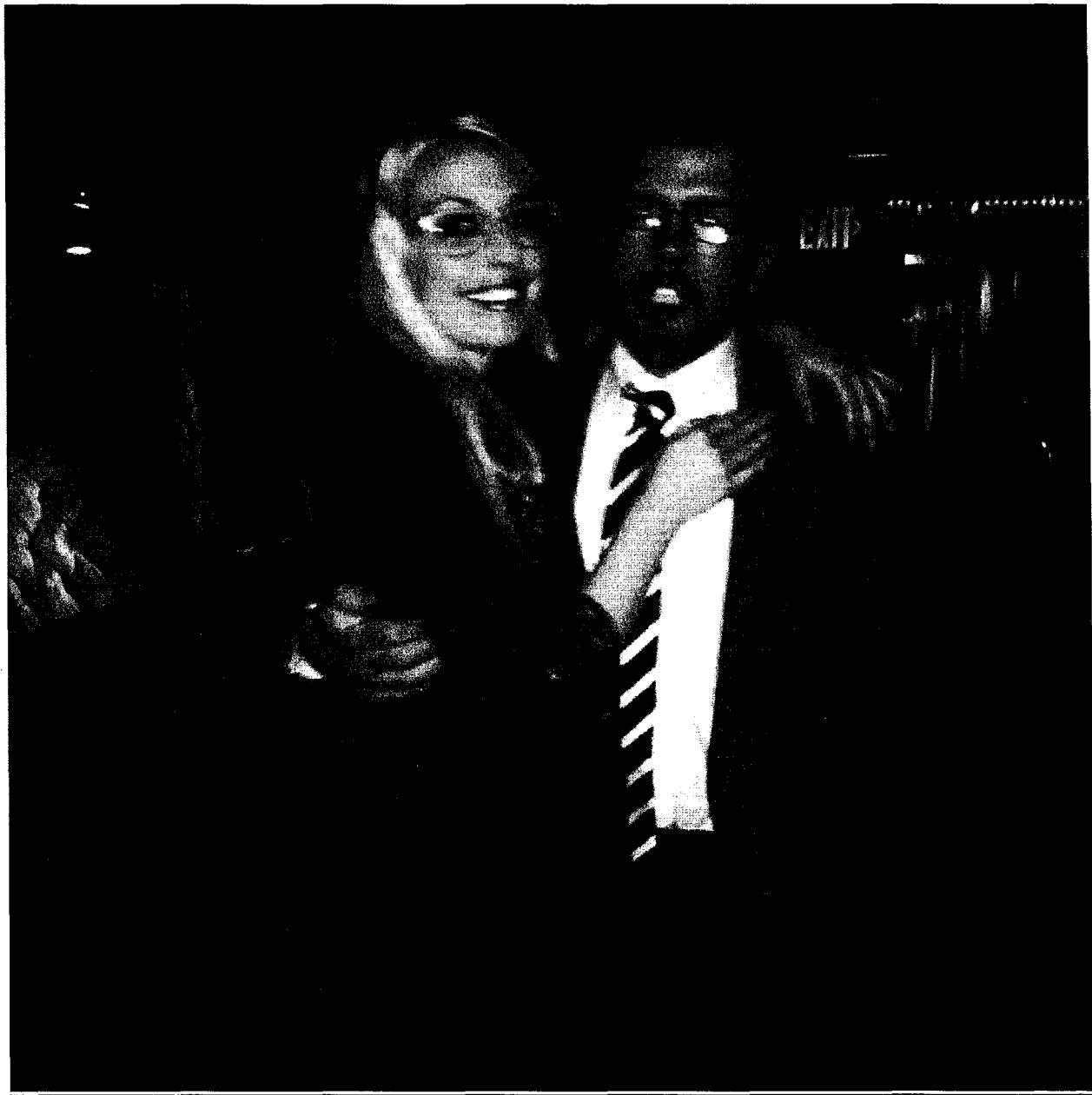


EXHIBIT C



EXHIBIT D

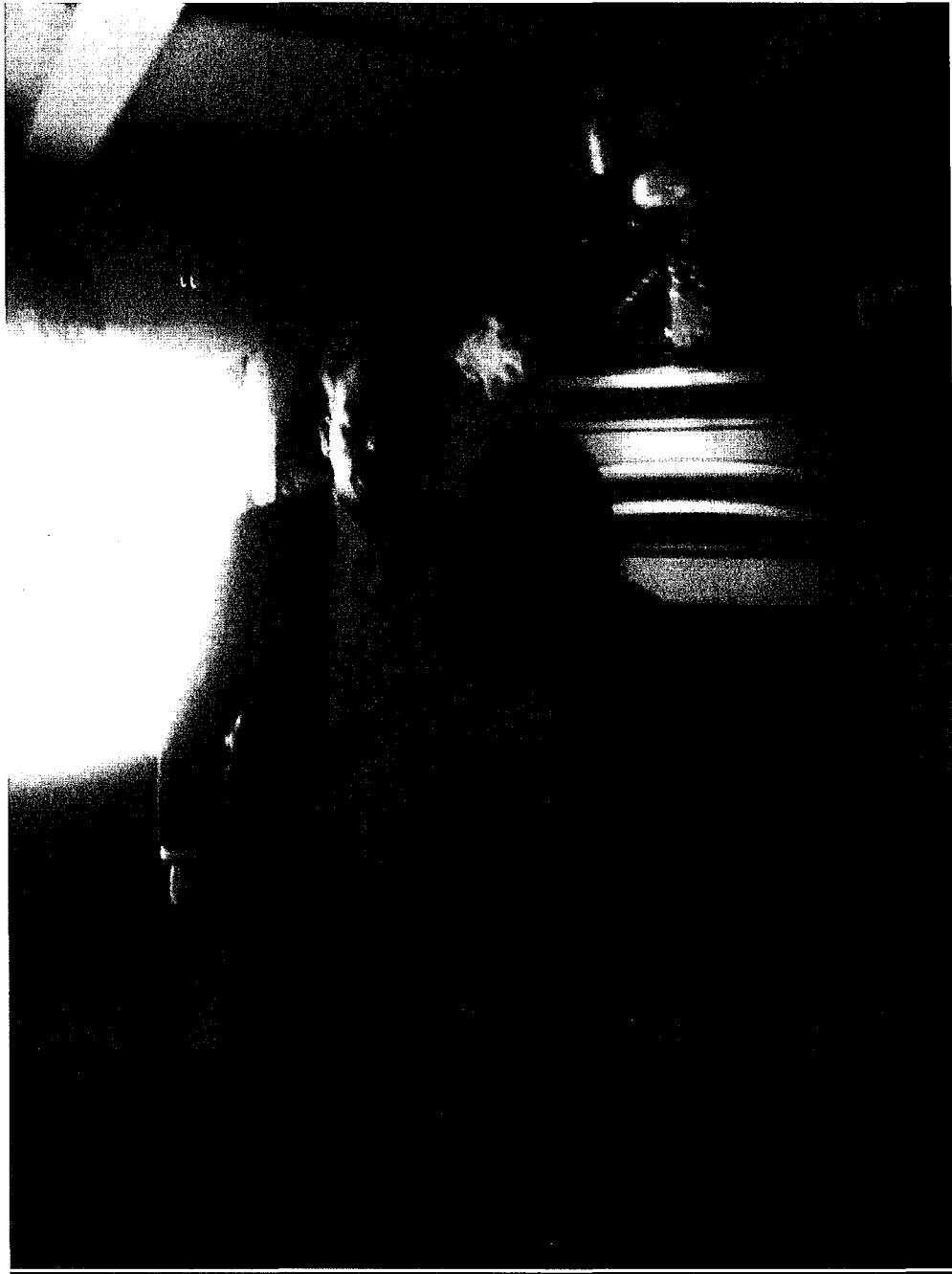


EXHIBIT E

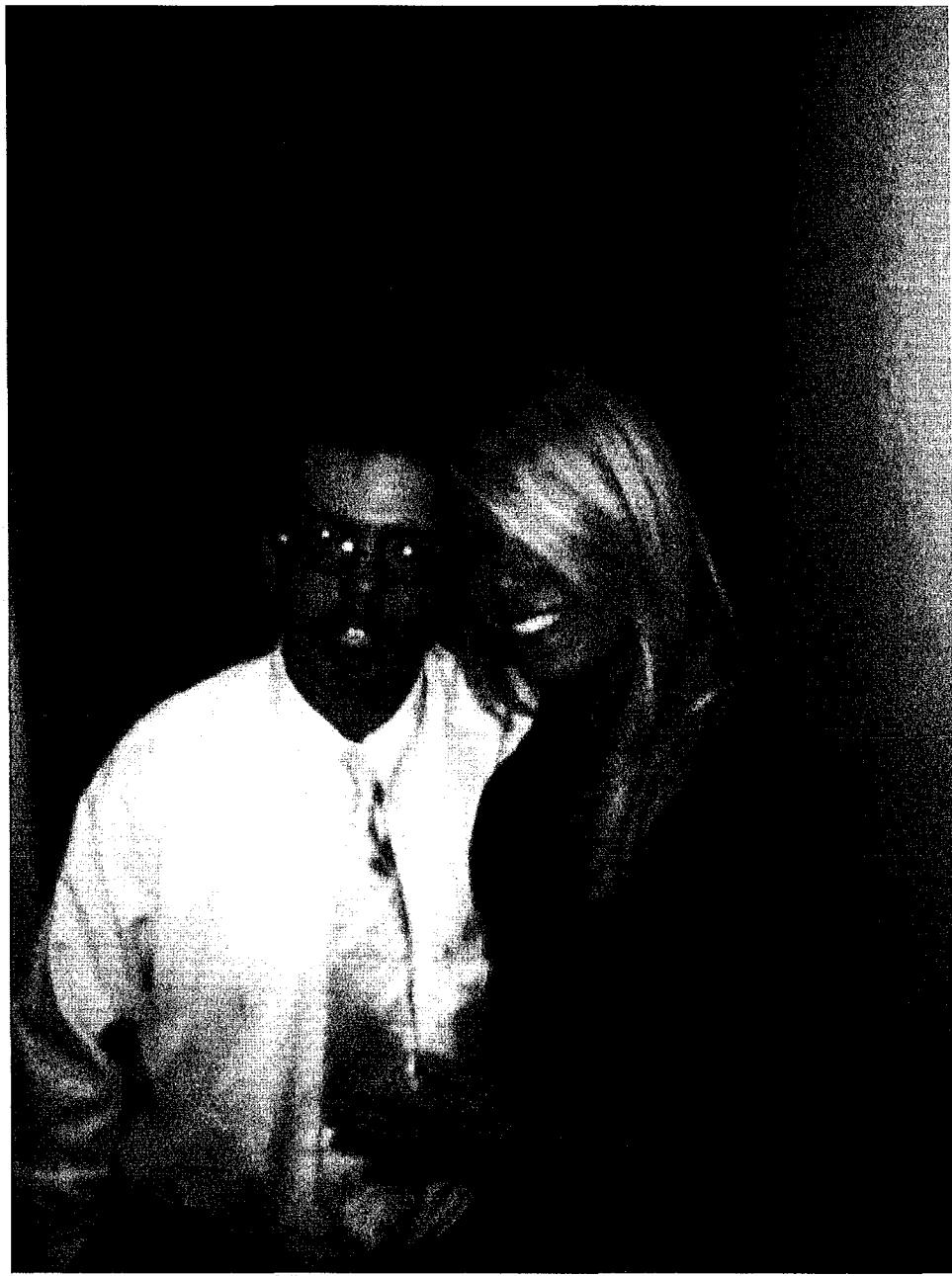
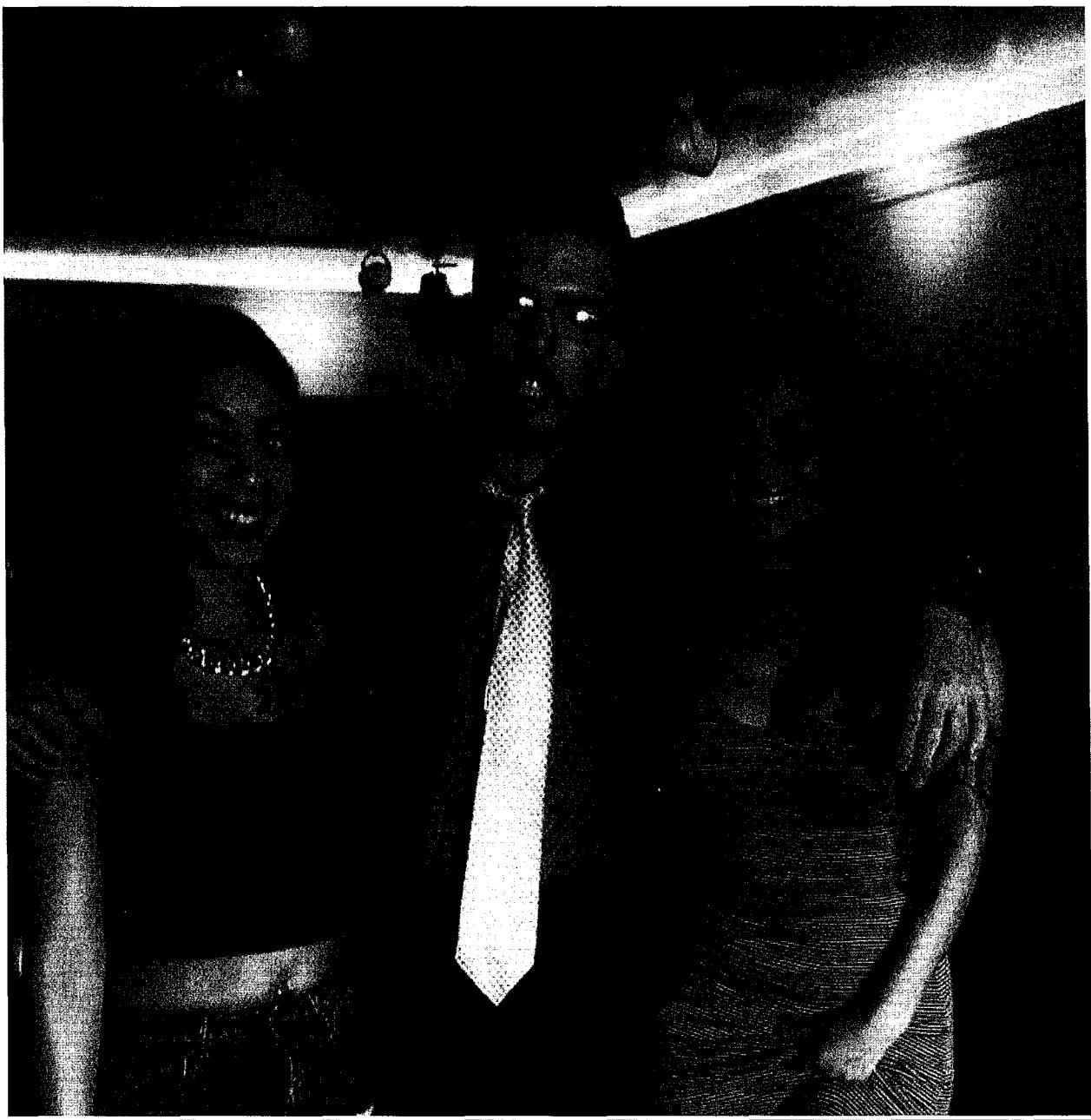


EXHIBIT F



CERTIFICATE OF SERVICE:

I certify that on February 23, 2017, a true and correct copy of PLAINTIFF'S OPPOSITION RESPONSE and AMENDED COMPLAINT was emailed to the following:

Greg Soderberg, Assistant Attorney General and Counsel to State Defendants Berg, Herbert & Reyes.

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